



Southwestern Willow Flycatcher Critical Habitat Update *May 2005*

Why critical habitat designation?

Under the Endangered Species Act, “critical habitat” identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and may require special management considerations. For the southwestern willow flycatcher (flycatcher), these are areas that can support very dense, early-succession, riparian vegetation associated with surface water or wetted soils. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. It does not allow government or public access to private lands.

The southwestern willow flycatcher is already protected from “take” (harassment, harming, killing, etc.) under the basic protection provided when it was added to the Federal list of endangered species in 1995.

Flycatcher critical habitat will receive protection from destruction or adverse modification resulting from actions carried out, funded, or authorized by a Federal agency by requiring agencies to consult with the Fish and Wildlife Service.

What has been done so far?

Scoping

Public scoping is a process designed to involve community members in decisions that affect their communities and to meet requirements of the National Environmental Policy Act (NEPA). We conducted scoping from January 21, 2004 to March 8, 2004. We traveled to communities throughout the Southwest meeting with community leaders and hosting public forums to request information and gather input on the proposal.

Proposed Critical Habitat

On Oct. 12, 2004, we published in the Federal Register (69 FR 60706) a proposal to designate 1,556 miles within the 100-year floodplain of waters in California, Arizona, Nevada, Utah, Colorado, and New Mexico as critical habitat for this migratory bird, which was listed as endangered in 1995.

Economic Analysis and Environmental Assessment

We are presently announcing the availability of the draft economic analysis and draft environmental assessment and are seeking comments on both documents. The economic analysis evaluates the co-extensive effects of flycatcher conservation. The environmental assessment (under the National Environmental Policy Act) focuses on effects to the natural and human environment that may result from critical habitat designation alone.

Seeking Comments

The comment period for the critical habitat proposal has been open since October 12, 2004. Comments on the proposal and the supporting draft economic analysis and draft environmental assessment will be accepted until May 31, 2005. Comments can be sent to us or provided at one of the eight scheduled public hearings.

How did we develop the proposed critical habitat?

We applied the following methodology to identify southwestern willow flycatcher critical habitat:

1. We used the best scientific information available on flycatcher conservation and input from local residents, area industries, and the conservation and scientific community to develop and refine a conservation

strategy and identify drainages and populations essential to the conservation of the subspecies.

2. We considered and applied information received from scoping meetings and comments.
3. We retained only areas supporting riparian habitat for breeding, non-breeding, territorial, dispersing, and migrating southwestern willow flycatchers by identifying habitat supporting large populations and small populations in high connectivity.
 - We identified large flycatcher populations (≥ 10 territories)
 - We identified smaller flycatcher populations that together, in high connectivity, totaled a large population
 - We used the distance commonly moved by breeding and dispersing flycatchers – 18 miles – to determine the degree of population connectivity and to identify the extent of habitat.
4. We eliminated areas known to be unable to support flycatcher habitat
5. We then identified, excluded, or proposed to exclude areas that are already protected through other means:
 - Management Plans
 - Habitat Conservation Plans
 - Department of Defense Integrated Natural Resource Management Plans, etc.
6. The remaining habitat was then proposed as flycatcher critical habitat.

Economics and critical habitat

Does the Act require an economic analysis as part of designating critical habitat?

No, but we must take into account the economic impact, as well as any other benefits or impacts, of specifying any particular area as critical habitat. We may exclude any area from critical habitat if we determine that the benefits of excluding it outweigh the benefits of specifying the area as part of critical habitat, unless we determine that excluding the area will result in species extinction. An economic analysis informs this required decision making process.

What is the impact of a critical habitat designation on economic development?

Most activities that require a Federal agency to consult with us proceed with little or no change. If modification of the project is necessary, it is likely that those modifications would have been necessary anyway, due to the presence of a threatened or endangered species. In areas where the species is not currently present, there may be some project



Southwestern Willow Flycatcher



modifications that would not have occurred without the critical habitat designation. However, the entire area of proposed critical habitat is currently occupied by flycatchers.

How was the draft economic analysis prepared and what activities are most affected by flycatcher conservation?
The Circuit Court of Appeals directed the Service that when deciding which areas to designate as critical habitat, the economic analysis should include “co-extensive” effects. Those include all economic effects resulting from conserving the species, including those associated with the species’ listing as endangered and the implementation of critical habitat.

The draft economic analysis estimates the coextensive impacts of all flycatcher conservation efforts in the proposed designated areas, not just those exclusively associated with critical habitat designation, at between \$29.2 and \$39.5 million annually. Some of those costs are associated with the development of Habitat Conservation Plans and other management efforts that could result in areas not being designated as critical habitat.

Where do we go from here?

Comments on the proposed rule, draft economic analysis, and draft environmental assessment will be reviewed and summarized, and the critical habitat proposal will be reevaluated and habitat areas may be reconsidered in light of those comments. All comments received during the comment period on the proposed rule, draft economic analysis, and draft environmental assessment will be addressed in the final decision that must be completed pursuant to the Court’s order on or by September 30, 2005.

Where are the critical habitat documents and how can you comment?

All comments should be mailed, faxed, or e-mailed to the Service by May 31, 2005. Send comments to Field Supervisor, Arizona Ecological Services Field Office, 2321 W. Royal Palm Rd., Suite 103, Phoenix, AZ 85021, email to WIFLcomments@fws.gov, or fax to 602/242-2513. Oral comments can be submitted at any of the eight advertised public hearings. The proposal, draft economic analysis, draft environmental assessment, and other documents relevant to flycatcher critical habitat and recovery planning are available at <http://arizonaes.fws.gov> or by contacting the address above.

Thank you!

Thank you for your input and willingness to share your comments with us. We appreciate your involvement in the Southwestern Willow Flycatcher Critical Habitat Designation process.

Public Information Meetings and Hearings:

Public informational sessions (3:30-5:00 p.m.) and hearings (7:00-9:00 p.m.) will be held as follow:

May 2 - California Center for the Arts, 340 N. Escondido Blvd., Escondido, CA 92025.

May 3 - El Prado Golf Course, 6555 Pine Ave., Chino, CA 91710.

May 9 - Cashman Center, 850 N. Las Vegas Blvd., Las Vegas, NV 89101.

May 10 - Lake Isabella Senior Center, Room 1, 6405 Lake Isabella Blvd., Lake Isabella, CA 93240.

May 16 - Mesa Community and Conference Center, 263 N. Center St., Mesa, AZ 85211.

May 17 - Western New Mexico University, Global Resource Room, 1000 W. College, 12th and E St., Silver City, NM 88061.

May 18 - Indian Pueblo Cultural Center, Special Events Center, 2401 12th St. NW, Albuquerque, NM 87104.

May 19 - Adams State University, Student Union Bldg., Rooms 308 & 309, First and Stadium Dr., Alamosa, CO 81102.

May 2005

